

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THEODORE M NICKENS,	:	
Plaintiff,	:	
v.	:	Case No. 3:05-cv-301-KRG-KAP
DAVID J. GOOD, WARDEN, S.C.I.	:	
CRESSON, <u>et al.</u> ,	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on March 22, 2007, docket no. 39, and another one on May 29, 2007, docket no. 44, recommending that the defendants' motions to dismiss or for summary judgment, docket no. 19 and docket no. 29, be granted.

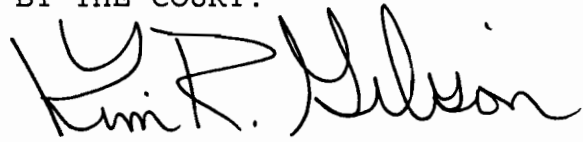
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. Plaintiff filed objections to both Reports and Recommendations, docket no. 40, docket no. 45, but they are meritless.

Upon review of the record of this matter, the Reports and Recommendations, and the timely objections thereto, the following order is entered:

AND NOW, this 27th day of June, 2007, it is

ORDERED that defendants' motions to dismiss or for summary judgment, docket no. 19, and docket no. 29, are granted. Summary judgment is entered for defendants. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

Theodore M. Nickens AY-4528
S.C.I. Cresson
P.O. Box A
Cresson, PA 16699-0001